

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BILLY WAYNE RICHMOND,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

Case No. C07-5533 RBL/KLS

BRIEFING SCHEDULE

This habeas corpus action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 1, 3 and 4. The court previously ordered Petitioner to file his completed 2254 petition on or before June 27, 2008. Accordingly, a new briefing schedule is warranted.

It is **ORDERED**:

- (1) As set forth in the Court's previous Second Order to Amend (Dkt. # 32), Petitioner shall file his completed 2254 petition on or before **June 27, 2008**. If Petitioner fails to file a completed 2254 petition or his filing shows the petition cannot go forward the court will enter a report and recommendation that the petition be dismissed;
- (2) Within forty-five (45) days after service of Petitioner's Amended Petition on Respondent, Respondent shall file and serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part of such answer, Respondent should state whether Petitioner has exhausted available state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place

1 of an answer without first showing cause as to why an answer is inadequate.  
2 Respondent shall file the answer with the Clerk of Court and serve a copy of the  
answer upon petitioner.

- 3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon  
4 receipt of the Answer the Clerk will note the matter for consideration on the fourth  
5 Friday after the answer is filed, Petitioner may file and serve a response not later than  
6 on the Monday immediately preceding the Friday appointed for consideration of the  
matter, and Respondent may file and serve a reply brief not later than on the Friday  
designated for consideration of the matter.

7 DATED this 5th day of June, 2008.

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11 Karen L. Strombom  
12 United States Magistrate Judge  
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